

### **REMARKS**

The Office Action of October 10, 2004 has been reviewed and the comments therein were carefully considered. In this application, claims 1-28 are pending and claims 1-28 stand rejected. Through this amendment, claims 1, 12, 16, 19 and 20 are amended. No new matter has been introduced into the application. As explained in more detail below, the Applicant submits that all claims are now in condition for allowance and respectfully request such action.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,676,656 to Brimhall ("the '656 patent").

The '656 patent discloses introducer needle assembly where an over-the-needle IV catheter is mounted over an introducer needle. (*See* Col. 1, lines 8-21). The claims of the present application, however, relate to a bodily fluid drainage assembly having a catheter in the body and a luer connector for connecting the catheter to a drip assembly line. Indeed, the luer connector of the present application is angled away from the patient's scalp in the direction of the drip assembly line. (Specification, Page 3). To more particularly point out this aspect, claims 1, 12, and 16 have been amended to illustrate the barrel has a single terminal, in which a "female luer connector creat[es] the single barrel terminal." Likewise, claims 19 and 20 have been amended to illustrate a barrel or first conduit ending in a single terminal.

In contrast, the '656 patent teaches a side port having a female luer connector along the barrel, however, it does not create a barrel terminal. Indeed, the barrel of the '656 patent comprises a needle hub extended beyond the side port. In view of the Applicant's amendment and the absence of a terminal being created at the female connection of the device in the '656 patent, Applicant requests

reconsideration of claims 1 – 28 and withdrawal of the rejection.

Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,697,914 to Brimhall (“the ‘914” patent”).

The ‘914 patent relates to introducer needle assembly where an over-the-needle IV catheter is mounted over an introducer needle. (*See* Col. 1, lines 6-20). The barrel of the ‘914 patent, like the ‘656 patent, comprises a needle hub that extends beyond the side port having the female luer connector. In view of the Applicants’ amendments to claims 1, 12, 16, 19 and 20 requiring the barrel or first conduit to have a single terminal, the Applicant requests reconsideration of claims 1 – 28 and withdrawal of the rejection.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,935,110 to Brimhall (“the ‘110 patent”).

The ‘110 patent relates to introducer needle assembly where an over-the-needle IV catheter is mounted over an introducer needle. (*See* Col. 1, lines 6-20). The device of the ‘110 patent comprises a needle hub that extends beyond the side port having the female luer connector. For at least the above reason, the Applicant requests reconsideration of claims 1 – 28 and withdrawal of the rejection.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 4,326,519 to D’Alo *et. al.*

The ‘519 patent relates to separable introducer needle assembly where an over-the-needle IV catheter is mounted over an introducer needle, wherein the needle may be separated from the catheter after venipuncture has occurred. (*See* Col. 1, lines 46-56). Although the needle of the device may be removed, the catheter assembly which remains comprises a catheter hub which extends beyond the


side port having the female luer connector. For at least the above reason, the Applicant requests reconsideration of claims 1 – 28 and withdrawal of the rejection.

**CONCLUSION**

All rejections having been addressed by this response. The Applicant respectfully submits that the instant application is in condition for allowance and respectfully solicits prompt notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number set forth below.

Respectfully submitted,

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